

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Note: Instructions to DNRC staff for preparing this EA can be found at:
http://www.dnrc.state.mt.us/eis_ea.html

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* Shooting Star Ranch LLP
10 Shooting Star Trail
Gardiner, Mt. 59030
2. *Type of action:* Application For Beneficial Water Use Permit # 30025718-43B
3. *Water source name:* Groundwater pit and developed spring
4. *Location affected by project:* W2W2E2SW Sec 29 T8S R7E, Park County.
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
The applicants 4.2 acre-foot groundwater pit has never been filed on. The pond is used for fishery purposes. A groundwater collection system is used to divert up to 10 GPM of water into this groundwater pit. This groundwater pit is located within the Yellowstone Controlled Groundwater Area. The National Park Service was notified. If they do not object, a permit will be issued.
6. *Agencies consulted during preparation of the Environmental Assessment:* Montana Natural Heritage Program, Montana Dept. of Fish, Wildlife & Parks, Montana Dept. of Environmental Quality, Park County Planning Office, State Historic Preservation Office, National Park Service.
(include agencies with overlapping jurisdiction)

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: The source of water is a groundwater pit, and developed springs. Not identified by DFWP.

Water quality - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: The source of water is a groundwater pit, and developed springs not on the DEQ list.

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: The groundwater pit is 0.7 surface acres, and 12 feet deep. The capacity is 4.2 acre feet. This development may intercept water that would otherwise supply surface water.

DivERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: Groundwater fills this existing pit. A groundwater collection system is manifold together and piped with a 2" pipeline into the pond. No impact to existing resources.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: The Montana Natural Heritage Program was contacted. The gray wolf, Canada lynx, and brown bear may be found within Sec 29 T8S R7E. This new pond should not have impact on these animals.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: It is unknown if a wetland existed before this pond was constructed in the 1970's.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: This project does involve a pond. The pond was built in the 1970's and has a fishpond license, # 3-020039. The pond may provide another source of water for wildlife. No impact to existing resources.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: This pond should not impact soil quality, alter soil stability, or moisture content. There is no saline seep in this area.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: The pond was built in the 1970's. The disturbed areas have reclaimed themselves since construction.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: There should be no significant impact to air quality from this development.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: SHPO has been contacted. They stated that any cultural properties that may have been in the area have already been impacted.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No additional impacts on other environmental resources were identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: The Park County Planning Board has no restrictions against building ponds.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: This area is private property, with no access to public recreational or wilderness activities. No impact is expected.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No impact on human health is expected on human health.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No__X_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: Private property rights are not impacted by this proposed action.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact
- (b) Local and state tax base and tax revenues? No significant impact
- (c) Existing land uses? No significant impact
- (d) Quantity and distribution of employment? No significant impact
- (e) Distribution and density of population and housing? No significant impact
- (f) Demands for government services? No significant impact
- (g) Industrial and commercial activity? No significant impact
- (h) Utilities? No significant impact
- (i) Transportation? No significant impact
- (j) Safety? No significant impact
- (k) Other appropriate social and economic circumstances? No significant impact

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts No secondary impacts have been identified

Cumulative Impacts No cumulative impacts have been identified

3. *Describe any mitigation/stipulation measures:* Mitigation or stipulations are not planned at this time.

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:* If the applicant is not allowed to file on this existing development, they will

not have a water right for their pond. Nothing would really change because the pond was built in the 1970's, and never filed on.

PART III. Conclusion

1. Preferred Alternative File for and receive a permit for this pond.

2 Comments and Responses None received to date.

3. Finding:

Yes___ No X___ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: Significant impacts have not been identified. An EIS is not required for this action.

Name of person(s) responsible for preparation of EA:

Name: Jan R. Mack

Title: Water Resources Specialist

Date: December 3, 2007